

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DARRYL BECKEM

PLAINTIFF

v.

No. 4:19CV32-DMB-RP

TIMOTHY MORRIS, ET AL.

DEFENDANTS

REPORT AND RECOMMENDATION

The plaintiff has brought the instant complaint under 42 U.S.C. § 1983, which provides a federal cause of action against “[e]very person” who under color of state authority causes the “deprivation of any rights, privileges, or immunities secured by the Constitution and laws.” 42 U.S.C. § 1983. The Prison Litigation Reform Act applies to this case because the plaintiff was incarcerated when he filed this lawsuit.¹

The court takes up, *sua sponte*, the dismissal of this case. On February 27, 2019, the court entered an order requiring the plaintiff to complete and return forms necessary to the expeditious administration of this case within 30 days. The court cautioned the plaintiff that failure to comply with the order would result in the dismissal of this case. Despite this warning, the plaintiff has failed to comply with the court’s order, and the deadline for compliance passed on March 29, 2019. For these reasons, the undersigned recommends that this case be dismissed without prejudice for failure to prosecute and for failure to comply with an order of the court under FED. R. CIV. P. 41(b).

Handling of Objections, Acknowledgment of Receipt

The appropriate procedures for filing objections to these findings and recommendations are found in 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Objections must be in writing and must

¹28 U.S.C. § 1915(g).

be filed within fourteen (14) days of this date, and “a party’s failure to file written objections to the findings, conclusions, and recommendation in a magistrate judge’s report and recommendation within [14] days after being served with a copy shall bar that party, except on grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court” *Douglass v. United Services Automobile Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*)(citations omitted); *see also United States v. Carrillo-Morales*, 27 F.3d 1054, 1061-62 (5th Cir. 1994), *cert. denied*, 513 U.S. 1178, 115 S.Ct. 1163, 130 L. Ed. 1119 (1995).

The plaintiff must acknowledge receipt of this report and recommendation by signing the enclosed acknowledgment form and returning it to the clerk of the court within fourteen (14) days of this date. *Failure to comply with the requirements of this paragraph may lead to dismissal of this lawsuit under Fed. R. Civ. P. 41(b) for failure to prosecute the claim and for failure to comply with an order of the court.*

Respectfully submitted, this, the 10th day of May, 2019.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE